

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FILED
MAY 11 2007
CLERK, U.S. DISTRICT COURT
By <u>SG</u> Deputy

DANIEL MATEO ALVAREZ, #1192957,)
Petitioner,)
)
v.)
)
NATHANIEL QUARTERMAN, Director,)
Respondent.)

3:06-CV-1505-L
ECFORDER OF THE COURT ON THE FOREGOING RECOMMENDATION

Considering the record in this case and the above recommendation, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253 (c), the Court hereby finds and orders:

IFP STATUS:

() the party appealing is GRANTED *in forma pauperis* status on appeal.
 (X) the party appealing is proceeding *in forma pauperis*.
 () the party appealing is DENIED *in forma pauperis* status on appeal
 for the following reasons:
 () the Court certifies, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915 (a)(3), that
 the appeal is not taken in good faith. In support of this finding, the Court adopts and
 incorporates by reference the Magistrate Judge's Findings and Recommendation entered
 in this case on November 2, 2006. Based upon the Magistrate Judge's findings, this
 Court finds that the appeal presents no legal points of arguable merit and is therefore
 frivolous. *See Harkins v. Roberts*, 935 F. Supp. 871, 873 (S. D. Miss. 1996) (citing
Howard v. King, 707 F. 2d 215, 219-20 (5th Cir. 1983)).
 () the person appealing is not a pauper;
 () the person appealing has not complied with the requirements of Rule 24 of the Federal
 Rules of Appellate Procedure and /or 28 U.S.C. § 1915(a)(1) as ordered by the Court.
 (See Notice of Deficiency and Order entered on _____).

COA:

() a Certificate of Appealability is GRANTED on the following issues: _____
 (X) a Certificate of Appealability is DENIED. The Court hereby adopts and incorporates by
 reference the Magistrate Judge's Findings and Recommendation filed in this case on February
 1, 2007, in support of its finding that Petitioner has failed to demonstrate that reasonable jurists
 would find the district court's assessment of the constitutional claims debatable or wrong. *Slack*
v. McDaniel, 529 U.S. 473, 484-85 (2000).

SIGNED this 11th day of May, 2007.

Sam A. Lindsay
UNITED STATES DISTRICT JUDGE